IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 15TH JUNE 2007 / 25TH JYAISHTA 1929

WP(C).No. 16454 of 2003(H)

PETITIONER:

K. ACHUTHAN, S/O. PADBHANABHAN,
AGED 53 YEARS, KANNANATHU THARAYIL,
VARAVILA P.O., KOLLAM.

BY ADV. SRI.P.ALI

RESPONDENTS:

1. **UNION OF INDIA REPRESENTED BY THE SECRETARY OF BOARDER ROADS DEVELOPMENT BOARD, MINISTRY OF SURFACE TRANSPORT, NEW DELHI.**
2. **THE DIRECTOR GENERAL OF BOARDER ROADS, KASHMIR HOUSE, DHQ.P.O., NEW DELHI-110 011.**
3. **THE MAJOR OFFICER (COMMANDING), 102, ROADS CONSTRUCTION COY (GREF), C/O. 99, APO.**
4. **THE OFFICER-IN-CHARGE, GREF RECORDS P.O., DELHI CAMP, PUNE-411 015.**

ADV. SRI. P.PARAMESWARAN NAIR, ASSISTANT SG

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 15/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO. 16454/2003

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE CERTIFICATE BY THE PHYSICIAN DT. 5/11/00.

EXT.P2. COPY OF THE PART II ORDER NO. 22/81 DT. 13/4/81.

EXT.P3. COPY OF THE PART II ORDER NO.31/81 DT. 19/5/81.

EXT.P4. COPY OF THE PART II ORDER DT. 10/6/82.

EXT.P5. COPY OF THE REPRESENTATION DT. 4/4/00.

EXT.P6. COPY OF THE ORDER OF THE R3 DT. 13/7/00.

EXT.P7. COPY OF THE REPRESENTATION DT. 20/9/00.

EXT.P8. COPY OF THE ORDER OF THE R3 DT. 1/5/03.

RESPONDENT'S EXHIBITS

EXT.R4A. COPY OF THE LETTER NO. 2413/GEN/NER/193/B/13 DT. 23/6/00.

True copy

tga

KURIAN JOSEPH, J.

W.P. (C). NO. 16454 OF 2003

Dated this the 15th day of June, 2007.

J U D G M E N T

This writ petition is filed praying for military pension from 1981 onwards. It is seen from the counter affidavit that the petitioner was duly discharged from service at his request and competent authority had accepted the same and approved the discharge. The discharge was on 07.08.1980. As a matter of fact, the petitioner had deserted from service. The period of desertion is treated as extraordinary leave and thereafter only he was discharged. It is also seen that, it is after 20 years the petitioner had made his first request for pension. Hence, this writ petition is disposed of as follows.

In case the petitioner has still any dispute with regard to the facts as stated in the counter affidavit, he may approach the first respondent.

KURIAN JOSEPH, JUDGE.

smp